
Status & Remarks

The application presently contains the following claims:

<u>Independent Claim #</u>	<u>Dependent Claim #s</u>
1(amended)	2-10
11(amended)	12-22
23(amended)	24-32
33(withdrawn-amended)	
34(withdrawn-amended)	
35(withdrawn-amended)	
36(withdrawn-amended)	
37(withdrawn-amended)	
38 (new)	
39 (new)	
40 (new)	

Claims 1, 11 and 23 are amended in this response. Claims 6 and 28 are canceled while claims 38-40 are added. Support for the claim amendments and newly added claims may be found with reference to FIGS. 1-4 as originally filed. Claims 33-37 are withdrawn-amended pursuant to the restriction requirement identified by the examiner, but amended in a manner which are believed to render the claims consistent with an elected invention.

Claim Objections

The examiner identified objections to claims 1, 11 and 15 due to the following informalities:

- (a) claim 1, line 8, "upper area" should read --upper headrest area--;
- (b) claim 1, line 9, "shoulder belt guide" should read --shoulder belt--;
- (c) claim 11, line 12, "telescoping" should read --movable-- for consistency throughout the claim;

- (d) claim 11, line 14, "its retracted and extended positions" should read --a retracted position and an extended position-- as these positions have not previously been recited;
- (e) claim 15, line 1, "said outer contour" should read --an outer contour-- as the outer contour of the movable component has not been previously recited.

Through amendments to the above identified claims, these objections are believed to have been rendered moot.

35 U.S.C. §112

Claims 6-10 and 28-32 stand rejected under this section, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the examiner questioned the "two generally horizontal and symmetrical slots" as being unclear with respect to the "inwardly projection indentations" of claims 1 and 23.

The applicant's attorney has canceled claims 6 and 28, and modified the dependencies of claims 7 and 29 in response to the examiner's astute observation. The applicant's attorney thanks the examiner for his attention to this detail.

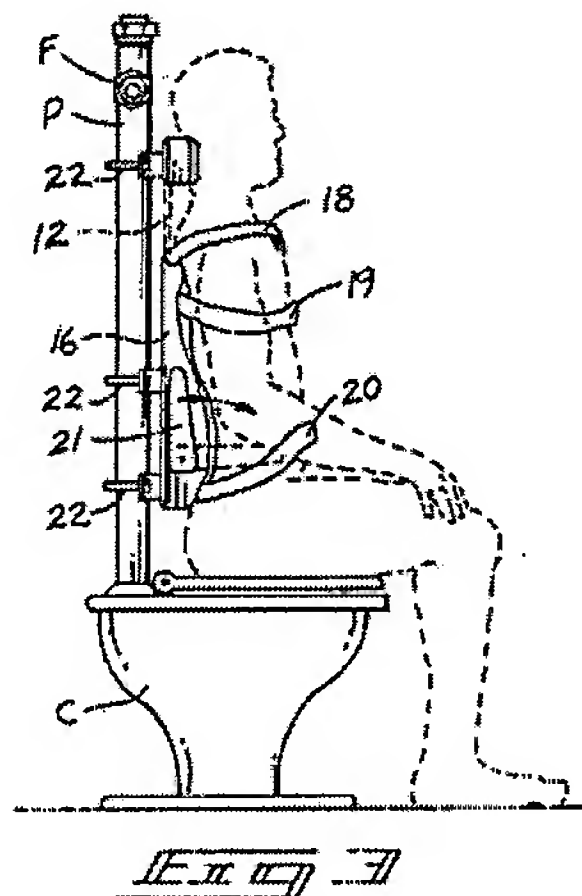
35 U.S.C. §102

(I) United States Patent No. 4,819,278

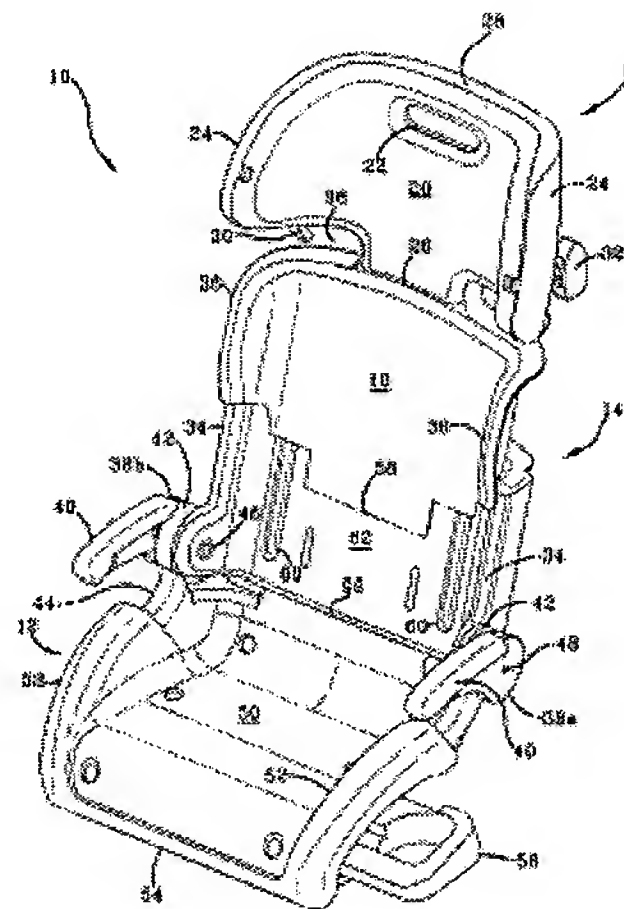
The examiner has rejected claims 11-16 and 23-25 under this section, subparagraph (b) as being anticipated by United States Patent No. 4,819,278 to Ramos (hereinafter "Ramos" or '278). The examiner has represented that Ramos disclosed a seat that included all of the limitations recited in the above claims. The applicant's attorney thanks the examiner for his thorough review and has amended the claims in order to overcome this rejection as applied to the identified claims.

As currently claimed, the Meeker et al., invention distinguishes in a patentable way over Ramos. In particular, the independent claim is particularized for a seat member "for positioning upon a seating surface within said car" thereby distinguishing from Ramos as well as now further defining the fixed component as having a "laterally extending essentially flat middle section and a pair of raised contoured sides adjacent said middle section" further distinguishing Ramos which the examiner has identified previously as the stanchion pipe "P" of the fixed component of the commode back member. Further, with the arrangement of Meeker & Gibson, "movement of said fixed and telescoping components relative to each other provides contiguous

essentially parallel surface support for an occupant's back when said movable component is both in its retracted and extended positions," a claimed limitation which further distinguishes from Ramos. Lastly, the claims as currently amended require the "telescoping movable component overlapping and in contacting engagement with said fixed component," another claimed limitation which still further distinguishes from Ramos. This should overcome the position articulated by the examiner who has interpreted seat back 18 and 62 as only requiring the spaced fixed and telescoping components to be parallel but need not be in the same plane.



Ramos



Meeker & Gibson

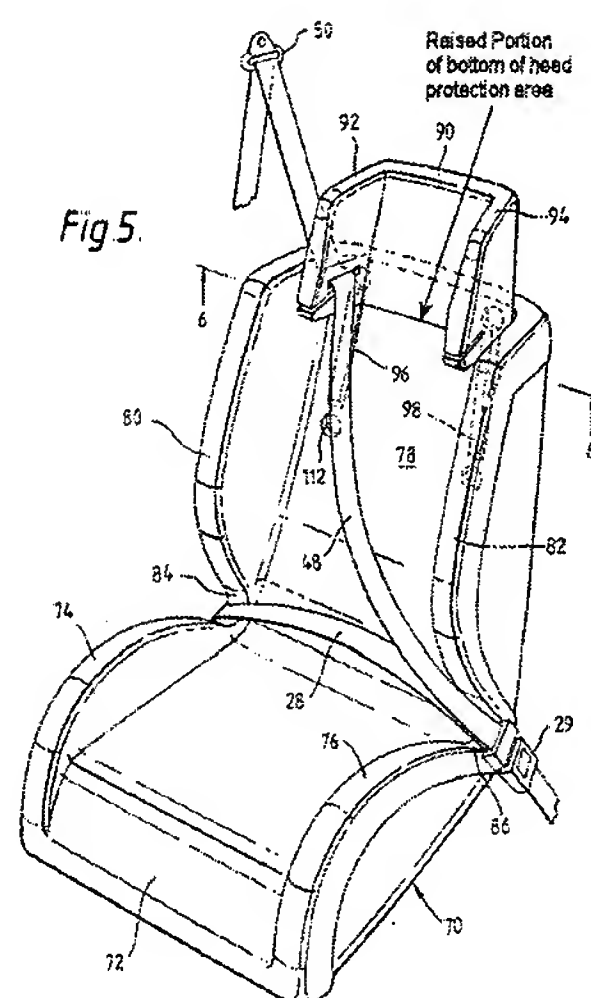
The examiner has made some observations regarding the preamble in various claims and the value which may or may not be attributable to it, and without agreeing or disagreeing with the examiner, this point is rendered moot in light of the fact that the applicant's attorney has positioned the limitation into the body of the claim.

(II) United States patent No. 4,854,639

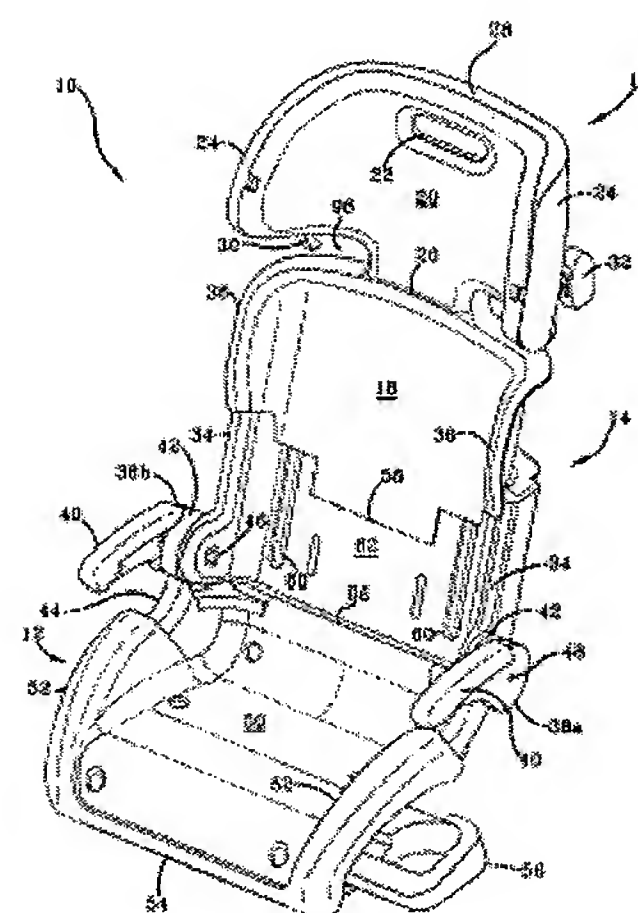
The examiner has rejected claims 1-8, 10-20, 22-30 and 32 under this section, subparagraph (b) as being anticipated by United States Patent No. 4,854,639 to Burleigh et al., (hereinafter "Burleigh" or '639). Through amendment to the claims, the applicant's attorney respectfully requests the examiner to review his determination as well as in light of the following arguments.

The examiner has kindly provided a new diagram with associated annotations to aid in the negotiation discussion.

While it is correct that Burleigh appears to disclose a gapless arrangement between the fixed and movable components as defined by the examiner, through claim amendments, the indentations are now defined as "laterally and inwardly-projecting indentations." Burleigh does not have these types of projections.



Burleigh

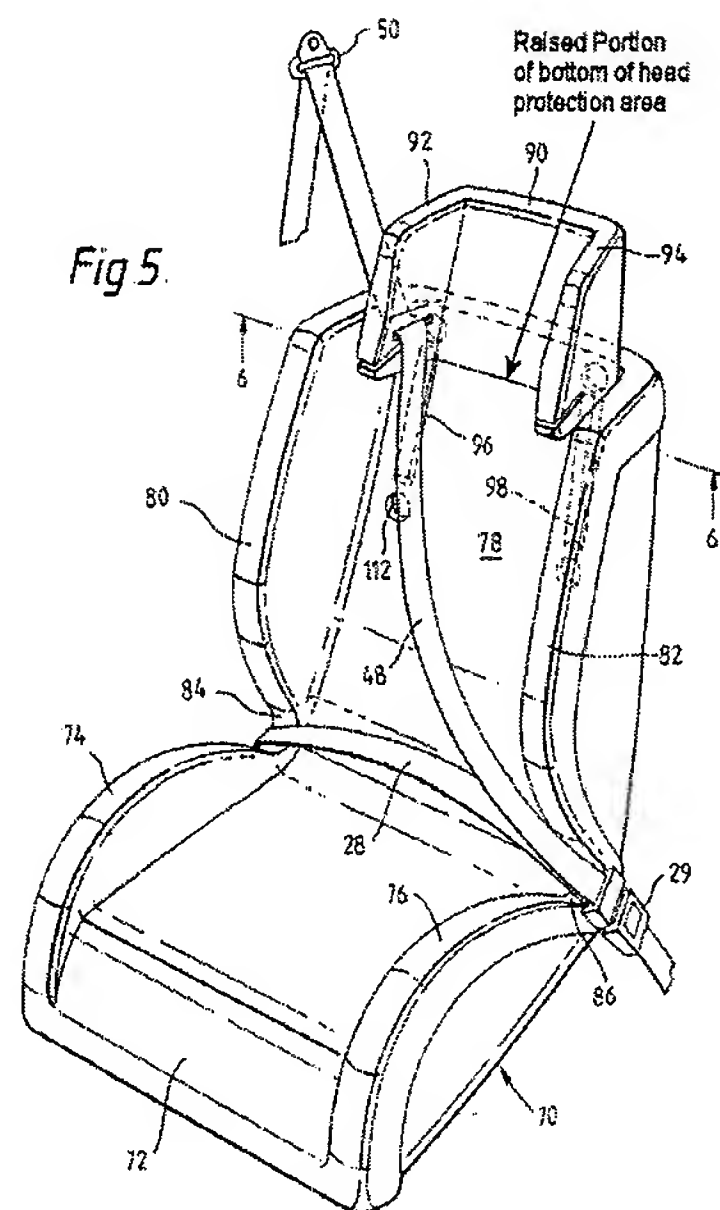


Meeker & Gibson

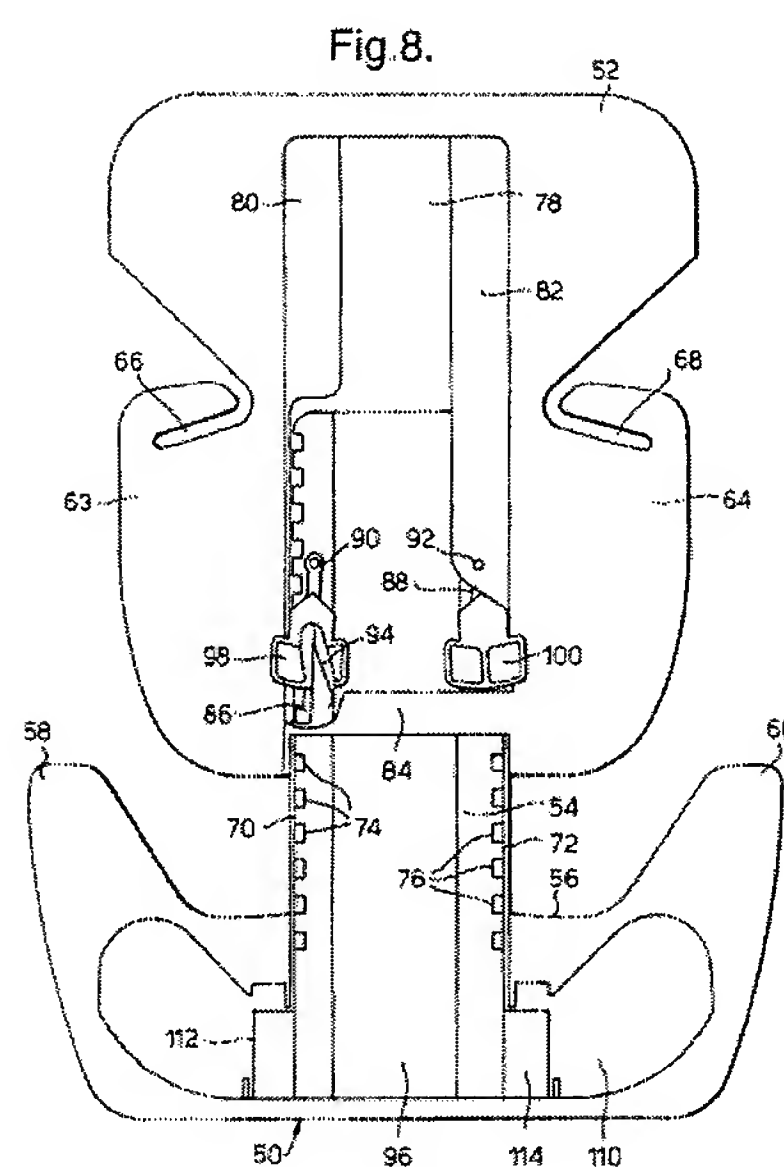
In fact, one of the benefits of the Meeker & Gibson invention resides in the fact that by having the indentations directed inwardly and laterally, the seat belt path does not have to twist as clearly shown above. Most rear seatbelts originate at from the top of the rear seat and extend across the chest of the occupant for fastening at the pelvis area opposite from the belt origination side. The Burleigh seatbelt path requires that belt to twist 90° to be capable of being introduced into the Burleigh rearward-extending indentations followed by another 90° twist to position over the chest of the occupant. Twisting creates two problems: (a) slack in the belt; and (b) an area over which the full width of the belt is not in contacting engagement with the occupant. The issue with slack is that the occupant will be capable of more forward movement than is desired, thereby creating the potential for greater chest injuries from a rearward collision. The issue with less than full contacting engagement is that at the portion where the belt is not fully extended widthwise, there is less belt surface area in contact with the occupant, thereby creating less distributive force dissipative area, and defeating at least some of the benefits of using the seat belt. Only the Meeker & Gibson arrangement will successfully overcome all issues associated with belt twisting, since that is eliminated.

35 U.S.C. §103

The examiner has rejected claims 9, 21 and 31 under this section, subparagraph (a) as being unpatentable over *Burleigh et al.*, in view of U.S. Patent No. 5,845,968 to *Lovie* (hereinafter “Lovie” or ‘968) and provided his reasons therefore. The examiner has also provided additional thoughts as to the predicate for the rejection, which the applicant’s attorney may have underappreciated. The applicant’s attorney would respectfully request the examiner to revisit his position in light of the following comments, claim amendments to the independent claims and new claims.



Burleigh et al.



Lovie

The examiner is suggesting that by substituting the mating teeth (98, 100) with associated grooves (76) of *Lovie* for slide bar (36) of *Burleigh et al.*, the limitation of mating teeth and grooves is met of claims 9, 21 and 31. It is respectfully submitted that this is a selective reading of the two references. However, even if it were assumed that the examiner were correct, a point which the applicant's attorney is not conceding at this time, the combination will still not teach the *Meeker & Gibson* invention. In fact, any product made in accordance with the teachings of this combination would fail in either of two ways, both of which are distinguished in the pending claims:

- (1) the combination would result in a headrest which moved up and down, but for which there would be no movable back support component which moved in conjunction with the headrest (a feature which provides user comfort by eliminating the raised headrest of *Burleigh et al.*); or
- (2) the combination would result in a headrest and back combination which would move together as shown in Fig. 8 of *Lovie*, but which would have indentations, the size of which would vary proportionately with the height of elevation (a feature which does not provide maximum spinal support for the occupant, a feature of which is present and claimed in the instant invention).

The combination of *Burleigh et al.*, with *Lovie* do not render obvious the claimed invention of *Meeker & Gibson*. As amended, it is respectfully submitted that the combination of the contiguous back support, coupled with the essentially flat surface alignment claimed by linking the movable portion of the back support with the head support area, distinguishes over the trio of references identified by the examiner in a nonobvious way.

Request for Reconsideration

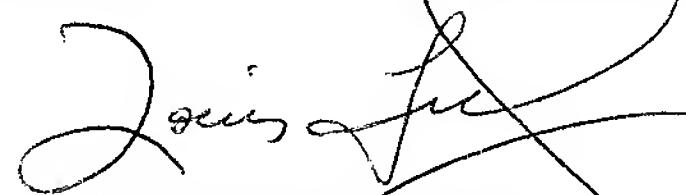
Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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